

### **IC 3-7-13**

#### **Chapter 13. Registration and Voting Requirements; General Provisions**

### **IC 3-7-13-1**

#### **Persons eligible to vote**

Sec. 1. A person who:

- (1) will be at least eighteen (18) years of age at the next general, municipal, or special election;
- (2) is a United States citizen; and
- (3) resides in a precinct continuously before a general, municipal, or special election for at least thirty (30) days;

may, upon making a proper application under this article, register to vote in that precinct.

*As added by P.L.12-1995, SEC.22.*

### **IC 3-7-13-2**

#### **Eligibility to vote in primary election**

Sec. 2. A person who, on the day of the next general, municipal, or special election, will meet the age and residency requirements of section 1 of this chapter may register and vote in the primary election.

*As added by P.L.12-1995, SEC.22.*

### **IC 3-7-13-3**

#### **Eligibility to vote for candidates for elected offices, public questions, or political party officers**

Sec. 3. (a) This section applies to a person who:

- (1) on the day of the next general, municipal, or special election, will meet the age and residency requirements of section 1 of this chapter; and
- (2) does not meet the age or residency requirements on primary election day.

(b) A person described in subsection (a) may not cast a ballot:

- (1) for candidates for:
  - (A) elected offices;
  - (B) precinct committeeman; or
  - (C) state convention delegate; or
- (2) on public questions;

to be voted on at the same time that the primary election is conducted.

*As added by P.L.12-1995, SEC.22. Amended by P.L.66-2003, SEC.5.*

### **IC 3-7-13-4**

#### **Disfranchisement of prisoners**

Sec. 4. (a) A person who is:

- (1) convicted of a crime; and
- (2) imprisoned following conviction;

is deprived of the right of suffrage by the general assembly pursuant to Article 2, Section 8 of the Constitution of the State of Indiana.

(b) A person described in subsection (a) is ineligible to register under this article during the period that the person is:

- (1) imprisoned; or
- (2) otherwise subject to lawful detention.

*As added by P.L.12-1995, SEC.22.*

### **IC 3-7-13-5**

#### **Restoration of right to vote; right to possess firearm not restored**

Sec. 5. (a) A person described in section 4 of this chapter who is otherwise qualified to register under this article is eligible to register when the person is no longer:

- (1) imprisoned; or
- (2) otherwise subject to lawful detention.

(b) Notwithstanding IC 35-47-2, IC 35-47-2.5, or the restoration of the right to vote under this section and except as provided in subsections (c), (d), and (g), a person who has been convicted of a crime of domestic violence (as defined in IC 35-41-1-6.3) may not possess a firearm upon the person's release from imprisonment or lawful detention.

(c) Not earlier than five (5) years after the date of conviction, a person who has been convicted of a crime of domestic violence (as defined in IC 35-41-1-6.3) may petition the court for restoration of the person's right to possess a firearm. In determining whether to restore the person's right to possess a firearm, the court shall consider the following factors:

- (1) Whether the person has been subject to:
  - (A) a protective order;
  - (B) a no contact order;
  - (C) a workplace violence restraining order; or
  - (D) any other court order that prohibits the person from possessing a firearm.
- (2) Whether the person has successfully completed a substance abuse program, if applicable.
- (3) Whether the person has successfully completed a parenting class, if applicable.
- (4) Whether the person still presents a threat to the victim of the crime.
- (5) Whether there is any other reason why the person should not possess a firearm, including whether the person failed to complete a specified condition under subsection (d) or whether the person has committed a subsequent offense.

(d) The court may condition the restoration of a person's right to possess a firearm upon the person's completion of specified conditions.

(e) If the court denies a petition for restoration of the right to possess a firearm, the person may not file a second or subsequent petition until one (1) year has elapsed.

(f) A person has not been convicted of a crime of domestic violence for purposes of subsection (c) if the conviction has been expunged or if the person has been pardoned.

(g) The right to possess a firearm shall be restored to a person whose conviction is reversed on appeal or on post-conviction review at the earlier of the following:

- (1) At the time the prosecuting attorney states on the record that the charges that gave rise to the conviction will not be refiled.
- (2) Ninety (90) days after the final disposition of the appeal or the post-conviction proceeding.

*As added by P.L.12-1995, SEC.22. Amended by P.L.195-2003, SEC.1.*

### **IC 3-7-13-6**

#### **Disfranchisement of prisoners; exceptions**

Sec. 6. (a) This section applies to a person who is:

- (1) otherwise qualified to register under this article; and
- (2) not imprisoned or subject to lawful detention.

(b) A person described in subsection (a) who is:

- (1) on probation;
- (2) on parole;
- (3) subject to home detention under IC 35-38-2.5; or
- (4) placed in a community corrections program under IC 35-38-2.6;

is eligible to register and to vote.

*As added by P.L.12-1995, SEC.22.*

### **IC 3-7-13-7**

#### **Validity of prior registration or transfer of registration**

Sec. 7. A registration or transfer of registration executed in conformity with prior law remains valid until canceled under this article.

*As added by P.L.12-1995, SEC.22.*

### **IC 3-7-13-8**

#### **Persons not required to register again**

Sec. 8. (a) This section applies to a voter:

- (1) who is a resident of a precinct; and
- (2) whose name appears on the registration record of a precinct.

(b) A person described in subsection (a) is not required to register again as long as:

- (1) the voter continues to reside at the same address at which the voter is registered;
- (2) the voter is not disfranchised according to law; and
- (3) the voter's registration is not canceled under this title.

*As added by P.L.12-1995, SEC.22.*

### **IC 3-7-13-9**

#### **Persons required to register or request transfer of registration**

Sec. 9. During a registration period, only those voters whose names do not appear on the registration record of the precincts of a county must register or request a transfer of previous registration.

*As added by P.L.12-1995, SEC.22.*

### **IC 3-7-13-10**

#### **Term of registration period; special election**

Sec. 10. (a) The registration period begins December 1 of each year (or the first Monday in December if December 1 falls on a Saturday or Sunday).

(b) The registration period continues through the twenty-ninth day before the date a primary election is scheduled under this title.

(c) The registration period resumes fourteen (14) days after primary election day and continues through the twenty-ninth day before the date a general or municipal election is scheduled under this article.

(d) This subsection applies in each precinct in which a special election is to be conducted. The registration period ceases in that precinct on the twenty-ninth day before a special election is conducted and resumes fourteen (14) days after the special election occurs.

*As added by P.L.12-1995, SEC.22.*

### **IC 3-7-13-11**

#### **Deadline for registration or transfer of registration**

Sec. 11. A person desiring to register or transfer a registration may do so at the office of the circuit court clerk or board of registration through the close of business on the twenty-ninth day before the election is scheduled to occur.

*As added by P.L.12-1995, SEC.22.*

### **IC 3-7-13-12 Version a**

#### **Registration application received at time other than registration period**

*Note: This version of section effective until 1-1-2006. See also following version of this section, effective 1-1-2006.*

Sec. 12. Except as otherwise provided in this article, if a circuit court clerk or board of registration receives a properly completed registration application in the office of the clerk or board during a time other than the registration period described in section 10 of this chapter, the clerk or board shall process the application on the first day that the registration period resumes.

*As added by P.L.12-1995, SEC.22.*

### **IC 3-7-13-12 Version b**

#### **Registration application received at time other than registration period; processing; identifying numbers**

*Note: This version of section effective 1-1-2006. See also preceding version of this section, effective until 1-1-2006.*

Sec. 12. (a) Except as otherwise provided in this article, if a county voter registration office receives a properly completed registration application during a time other than the registration period described in section 10 of this chapter, the county voter registration office shall enter the data from the application into the computerized list and designate the application as pending in the

same manner as other applications received while the registration period was open are designated as pending under IC 3-7-33-5. However, the county voter registration office shall ensure that:

(1) the notice required under IC 3-7-33-5 is not mailed to the applicant before the first day that the registration period reopens; and

(2) the registration information provided by the applicant does not appear on any certified list of voters or certificate of error issued under this article.

(b) If an individual does not have a driver's license issued under IC 9-24-11, the individual must provide the last four (4) digits of the individual's Social Security number when the individual registers to vote, as provided under 42 U.S.C. 15483.

(c) As required under 42 U.S.C. 15483, if an individual does not have a Social Security number, the election division shall assign the individual a number to be associated with the individual's registration in the computerized list maintained under IC 3-7-26.3. If the individual has an identification card number issued under IC 9-24-16, the election division shall assign that number as the voter's number under this subsection. If the individual does not have an identification card number issued under IC 9-24-16, the election division shall assign a unique identifying number to the voter's registration record in the computerized list, as provided under 42 U.S.C. 15483.

(d) The number provided by the individual under subsection (a) or (b), or the number assigned to the individual under subsection (c), is the individual's voter identification number.

(e) A voter's voter identification number may not be changed unless:

(1) the voter made an error when providing the number when registering to vote;

(2) the election division or a county voter registration office made an error when entering the number into the computerized list under IC 3-7-26.3;

(3) the voter obtains or provides a driver's license number under IC 9-24-11 or a Social Security number after the voter was assigned a number under subsection (c); or

(4) the voter ceases to have a driver's license number under IC 9-24-11 after the voter provided that number under subsection (a).

(f) If a voter transfers the voter's registration and the voter's voter identification number is not included in the voter's registration records, the voter registration officer of the county in which the voter's registration is to be transferred shall require the voter to provide the number required by subsection (a) or (b) before the voter's registration is transferred. If the voter does not have either of the numbers described in subsection (a) or (b), a voter identification number shall be assigned to the voter under subsection (c).

*As added by P.L.12-1995, SEC.22. Amended by P.L.81-2005, SEC.1.*

### **IC 3-7-13-13**

#### **Provision of identifying numbers; assignment of identifying numbers**

Sec. 13. (a) Except as provided in subsections (b) and (c), when an individual registers to vote, the individual must provide the individual's driver's license number issued under IC 9-24-11 as provided under 42 U.S.C. 15483.

(b) If an individual does not have a driver's license issued under IC 9-24-11, the individual must provide the last four (4) digits of the individual's Social Security number when the individual registers to vote, as provided under 42 U.S.C. 15483.

(c) This subsection applies after December 31, 2005. As required under 42 U.S.C. 15483, if an individual does not have a Social Security number, the election division shall assign the individual a number to be associated with the individual's registration in the computerized list maintained under IC 3-7-26.3. If the individual has an identification card number issued under IC 9-24-16, the election division shall assign that number as the voter's number under this subsection. If the individual does not have an identification card number issued under IC 9-24-16, the election division shall assign a unique identifying number to the voter's registration record in the computerized list, as provided under 42 U.S.C. 15483.

(d) The number provided by the individual under subsection (a) or (b), or the number assigned to the individual under subsection (c), is the individual's voter identification number.

(e) A voter's voter identification number may not be changed unless:

- (1) the voter made an error when providing the number when registering to vote;
- (2) the election division or a county voter registration office made an error when entering the number into the computerized list under IC 3-7-26.3;
- (3) the voter obtains or provides a driver's license number under IC 9-24-11 or a Social Security number after the voter was assigned a number under subsection (c); or
- (4) the voter ceases to have a driver's license number under IC 9-24-11 after the voter provided that number under subsection (a).

(f) If a voter transfers the voter's registration and the voter's voter identification number is not included in the voter's registration records, the voter registration officer of the county in which the voter's registration is to be transferred shall require the voter to provide the number required by subsection (a) or (b) before the voter's registration is transferred. If, after December 31, 2005, the voter does not have either of the numbers described in subsection (a) or (b), a voter identification number shall be assigned to the voter under subsection (c).

*As added by P.L.199-2001, SEC.3. Amended by P.L.126-2002, SEC.31; P.L.209-2003, SEC.25.*